

Remarks

In the Final Office Action dated October 6, 2008, the following rejections are present: claims 1-5 and 7 stand rejected under U.S.C. § 112(1); claim 10 stands rejected under U.S.C. § 103(a) over the Ichihara reference (US Patent No. 7,206,360); claims 1-5 stand rejected under U.S.C. § 103(a) over the Ichihara reference in view of the Birleson reference (U.S. Patent No. 6,177,964); claim 7 stands rejected under U.S.C. § 103(a) over the Ichihara reference in view of the Birleson reference and in further view of the Leenaert reference (US Patent No. 6,999,745); and claim 9 stands rejected under U.S.C. § 103(a) over the Ichihara reference in view of the Birleson reference and further in view of the Olson reference (US Patent No. 7,050,778). The drawings are objected to, and claims 6 and 8 are noted as being allowed. Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

In response to the objection to the drawings, Applicant submits that the components that provide separation of the audio signal from the video signal are already illustrated in the Figures. For example, with reference to item “3” of Figure 2, Applicant’s Specification explains at paragraph 39 (USPTO’s published version) that the mixer block 3, which shows four separate mixers (multipliers), is useful for translating input signals into outputs of many types, including one type which is an audio signal of a mobile phone call and another type which is a camera picture from a mobile phone. At paragraph 41 (USPTO’s published version), the Specification goes on to explain that two of the mixers in mixer block 3 are used to translate “an input signal through mixing or multiplying said input signal with a local oscillator signal. This results in a wanted signal and an unwanted image signal.” Thus, for mobile phone signals, two of the four mixers of mixer block 3 process the mobile phone signals for the audio signal (the wanted signal and an unwanted image signal) and one or more of the other two illustrated mixers of mixer block 3 process the mobile phone signals for a camera picture from a mobile phone. Further, as shown in connection with each of Figures 1-4 and emphasized at paragraphs 30 and 52 (USPTO’s published version), the outputs can be compensated to reduce the image suppression at low frequencies. Accordingly, at least Figure 2 illustrates the components that provide separation of the audio signal from the video

signal. As this illustrated aspect may not have been recognized earlier by the Examiner, should there be any remaining concern or question, a clarifying phone call to the undersigned might be helpful as Applicant would gladly consider a suggested modification to the figures as may be appropriate. Based on the current objection, Applicant respectfully requests that the objection be withdrawn.

Applicant respectfully traverses the rejection of claims 1-5 and 7 under U.S.C. § 112(1). As explained at length above with reference to Applicant's originally-filed specification, Applicant respectfully submits that the written description requirement has been more than satisfied by way of explicit language and illustrations in Applicant's originally-filed specification. Applicant respectfully submits that the rejection must be withdrawn.

Applicant has cancelled claim 10 and thereby submits that the rejection under U.S.C. § 103(a) over the Ichihara reference is rendered moot.

Applicant traverses the rejections of claims 1-5, of claim 7 and of claim 9, each rejection presented under U.S.C. § 103(a) over the Ichihara reference in view of at least the Birleson reference. Each of these rejection must be withdrawn because the Ichihara reference teaches away from the asserted combination of teachings and because the proposed combination would be inoperable - generally and specifically for the stated purposes of the Ichihara reference. As reiterated by the Supreme Court's recent KSR decision, where the main reference teaches away from the asserted combination of teachings, there is no motivation. Relative to a long line of authoritative cases, the MPEP explains this principle at § 2143.01: §103 rejection cannot be maintained when the asserted modification undermines purpose or operation of the main reference. For each of the § 103(a) rejections, the asserted modification would involve use of Birleson's mixers 121 and 122 as replacements to the double-balanced mixers 32 and 33 of the Ichihara reference in order "to modify Ichihara to provide the mixer to frequency translating a video signal to a video image data as claimed." This combination of teachings is illogical for various reasons of inoperability; it should be sufficient to note Ichihara's purpose of correcting an amplitude deviation between the I and Q components of the same signal before recombining (as opposed and entirely unrelated to separating audio and video signals) these signals at the amplitude comparison circuit 21 of Ichihara's Figure 4.

Thus, the Court has reminded us that, "A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007). Accordingly, the remaining § 103(a) rejections must be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilska, of NXP Corporation at (408) 474-9063.

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